

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

THE KAY COMPANY, LLC, et al.

Plaintiffs,

v.

**CIVIL ACTION NO. 1:13-CV-151
(Honorable John Preston Bailey)**

EQT PRODUCTION COMPANY, et al.

Defendants.

DEFENDANTS' MOTION TO FILE THE SETTLEMENT TERM SHEET UNDER SEAL

Pursuant to Local Rule 6.01, Local Rule of Civil Procedure 26.05, and the Protective Order entered in this action on March 10, 2015, Defendants respectfully request that this Court enter an Order directing that the settlement term sheet provided by the parties to the Court be sealed until Plaintiffs file their motion for preliminary approval of the parties' settlement and this Court approves the parties' final settlement. In support of this Motion, Defendants state that the settlement term sheet provided to the Court contains terms and information that provide the basis for the settlement to be finalized between the parties and approved by this Court. Plaintiffs are expected to file a publicly available motion for preliminary approval of the parties' settlement that will include the specific terms of the settlement to be considered for approval by this Court. Counsel for Plaintiffs has represented to counsel for Defendants that they do not object to sealing this document as requested by Defendants. Further, sealing the settlement term sheet will not infringe on the First Amendment's right of access to open Court. Plaintiffs' motion for preliminary approval of the parties' settlement to be filed in this matter, and references, if necessary, to the settlement term sheet in that motion will provide interested parties sufficient information to judge the Court's work product. Moreover, the final terms of the parties'

settlement to be approved by this Court will be publicly available. *See* U.S. Dist. Ct. R. N.D.W. Va. L.R. Civ. P. 26.05.

WHEREFORE, Defendants respectfully request that this Court enter an Order directing that the settlement term sheet provided by the parties to the Court be sealed until Plaintiffs file their motion for preliminary approval of the parties' settlement and this Court approves the parties' final settlement.

EQT PRODUCTION COMPANY; EQT CORPORATION; EQT ENERGY, LLC; EQT INVESTMENTS HOLDINGS, LLC; EQT GATHERING, LLC; and EQT MIDSTREAM PARTNERS, LP,

By Counsel.

/s/ David K. Hendrickson 12/13/2018

David K. Hendrickson, Esquire (#1678)

HENDRICKSON & LONG, PLLC

214 Capitol Street (zip 25301)

P. O. Box 11070

Charleston, West Virginia 25339

(304) 346-5500

(304) 346-5515 (fax)

daveh@handl.com

John Kevin West, Esquire (pro hac vice)

STEPTOE & JOHNSON PLLC

Huntington Center

Suite 2200

41 South High Street

Columbus, Ohio 43215

(614) 458-9889

(614) 221-0952 (facsimile)

kevin.west@steptoe-johnson.com

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

THE KAY COMPANY, LLC, et al.,

Plaintiffs,

v.

**CIVIL ACTION NO. 1:13-CV-151
(Honorable John Preston Bailey)**

EQT PRODUCTION COMPANY et al.,

Defendants.

CERTIFICATE OF SERVICE

I, David K. Hendrickson, counsel for Defendants, do hereby certify that on the **13th day of December, 2018**, a true and exact copy of the foregoing **DEFENDANTS' MOTION TO FILE THE SETTLEMENT TERM SHEET UNDER SEAL** was served upon counsel of record using the Court's CM/ECF system which will deliver true and exact copies to the following counsel of record:

Marvin W. Masters, Esquire (#2359)
THE MASTERS LAW FIRM, LC
181 Summers Street
Charleston, West Virginia 25301
Counsel for Plaintiffs

Michael W. Carey, Esquire (#635)
CAREY, SCOTT, DOUGLAS & KESSLER, PLLC
Suite 901
707 Virginia Street East
Charleston, West Virginia 25301
Counsel for Plaintiffs

/s/ David K. Hendrickson 12/13/2018
David K. Hendrickson, Esquire (#1678)
HENDRICKSON & LONG, PLLC
214 Capitol Street (zip 25301)
P. O. Box 11070
Charleston, West Virginia 25339
(304) 346-5500
(304) 346-5515 (fax)
daveh@handl.com